

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

CIVIL MINUTES

Case No.: 3:11-cv-01200-HU

Date of Proceeding: May 24, 2012

Case Title: Hollander v. Rainier School District

Presiding Judge: Hon. Dennis J. Hubel

Courtroom Deputy: Kathleen Bartholomew (326-8060)

Reporter:

Tape No:

PLAINTIFF'S COUNSEL

DEFENDANT'S COUNSEL

DOCKET ENTRY:

ORDER:

On March 26, 2012, after plaintiff Jonathan Hollander ("Plaintiff") responded to this Court's order to show cause, the deadline to effect service of the summons and complaint on defendant Rainier School District ("Defendant") was extended to May 29, 2012. Defendant was served with the summons and complaint in April of 2012. On May 3, 2012, Defendant filed a motion to dismiss Plaintiff's complaint pursuant to Federal Rule of Civil Procedure ("Rule") 12(b). Notably, Defendant's motion attacked the sufficiency of Plaintiff's complaint under Rule 8(a) and indicated that "some" of Plaintiff's claims were barred by the applicable statute of limitations, even though Defendant was "unable to determine the type of claim plaintiff alleged in his complaint[.]" (Def.'s Mot. Dismiss at 3.)

Fifteen days later, on May 18, 2012, Plaintiff filed a First Amended Complaint which set forth his claims with far greater detail than the original complaint. Under Rule 15(a)(1)(B), Plaintiff was entitled to amend his complaint once as a matter of course within 21 days after service of a motion under Rule 12(b). See Fed. R. Civ. P. 15(a)(1)(B). As a result, Defendant's motion (Docket No. 18) to dismiss has been rendered moot.